

86<sup>th</sup> Legislative Session – 2011

Committee: House Taxation

Thursday, February 24, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Conzet  
P Feickert  
P Feinstein  
P Hunhoff (Bernie)  
P Kirkeby  
P Kirschman  
P Liss  
P Moser  
P Perry  
P Rozum  
P Russell  
P Solum  
P Wick  
P Greenfield, Vice-Chair  
P Willadsen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Vice Chair Greenfield.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 17, 2011

Moved by: Solum  
Second by: Conzet  
Action: Prevailed by voice vote.

SB 102: repeal an outdated provision regarding the assessment of property for school districts.

THE CHAIR DEFERRED SB 102 UNTIL ANOTHER DAY

SB 146: require certain notice requirements for retailers that do not have nexus in South Dakota which are selling tangible personal property, services, or products transferred electronically for use in South Dakota.

Presented by: Senator Deb Peters

Proponents: Scott Peterson, Streamline Sales Tax Governing Board (via telephone)

Shawn Lyons, SD Retailers Association

Yvonne Taylor, SD Municipal League

David Owen, SD Chamber of Commerce & Industry

Jane Page, Department of Revenue and Regulation

Opponents: Dennis Duncam, Direct Marketing Association

MOTION: AMEND SB 146

146fa

On page 1 of the printed bill, delete lines 5 and 6, and insert "Section 1.".

On page 2, delete lines 14 and 15, and insert "Section 2.".

On page 3, delete lines 6 and 7, and insert "Section 3.".

On page 3, delete lines 20 and 21, and insert "Section 4.".

On page 4, delete lines 7 and 8, and insert "Section 5.".

On page 4, delete lines 19 and 20, and insert "Section 6.".

On page 5, delete lines 7 and 8, and insert "Section 7.".

On page 5, delete lines 11 and 12, and insert "Section 8.".

On page 5, after line 14, insert:

" Section 9. No criminal penalty or civil liability may be applied or assessed for failure to comply with the provisions of this Act.".

Moved by: Solum

Second by: Moser

Action: Prevailed by voice vote.

MOTION: DO PASS SB 146 AS AMENDED

Moved by: Moser

Second by: Rozum

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 146

146fc

On page 4, line 13, of the printed bill, after "." insert "To avoid filing directly with the state of South Dakota you may alternately pay the state and local sales tax."

On page 5, after line 14, insert:

" Section 9. Any sales tax collected pursuant to this Act shall be remitted to the Department of Revenue and Regulation at least once every two months."

Moved by: Feinstein

Second by: Russell

Action: Failed by voice vote.

MOTION: DO PASS SB 146 AS AMENDED

Moved by: Moser

Second by: Rozum

Action: Prevailed by roll call vote. (13-2-0-0)

Voting Yes: Conzet, Feickert, Feinstein, Hunhoff (Bernie), Kirkeby, Kirschman, Moser, Perry, Rozum, Solum, Wick, Greenfield, Willadsen

Voting No: Liss, Russell

SB 147: expand the application of nexus for the purpose of collecting sales and use taxes owed to the state.

Presented by: Senator Deb Peters

Proponents: Scott Peterson, Streamline Sales Tax Governing Board (via telephone)  
Shawn Lyons, SD Retailers Association

David Owen, SD Chamber of Commerce & Industry  
Jane Page, Department of Revenue and Regulation

MOTION: DO PASS SB 147

Moved by: Kirkeby  
Second by: Solum  
Action: Prevailed by roll call vote. (14-1-0-0)

Voting Yes: Conzet, Feickert, Feinstein, Hunhoff (Bernie), Kirkeby, Kirschman, Moser, Perry, Rozum, Russell, Solum, Wick, Greenfield, Willadsen

Voting No: Liss

MOTION: ADJOURN

Moved by: Hunhoff (Bernie)  
Second by: Wick  
Action: Prevailed by voice vote.

Cindy Tryon  
Committee Secretary

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Brock L. Greenfield, Vice-Chair